

Date

ROUTING AND TRANSMITTAL SLIP

11.10.15

TO: (Name, office symbol, room number,
building, Agency/Post)

	Initials	Date
1. Amelia Piggott ENF-L	AP	11.10.15
2. Andrea Madigan ENF-L	AM	11.10.15
3. Sharon Abendschan (out of office, please send to Kelcey) ENF-RC	Kelcey	11/10/15
4. Kelcey Land ENF-RC	Kelcey	11/10/15
5. Johanna Miller EPR-AR	JM	
6. Bill Murray EPR-SR	BM	11/12/15
7. Sandy Stavnes EPR-IO	SS	11/12/15
8. Martin Hestmark EPR	MH	11/12/15
9. Betsy Varcoe RA		
10. Shawn McGrath (for signature)		

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

Agreement between all parties has been reached.

Public meeting to discuss remedial investigation will be held November 12, these letters should be transmitted by morning of November 12. Questions? Please contact Amelia Piggott x6410.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)
Amelia Piggott

Room No. - Bldg.

Phone No.
(303) 312-6410

OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8EPR-AR

Mr. Bill Carey, Chair
Ms. Nicole Rowley, Commissioner
Ms. Jean Curtiss, Commissioner
Board of Missoula County Commissioners
200 West Broadway
Missoula, Montana 59802-4292

Re: Smurfit-Stone Mill Site

Dear Commissioners Carey, Rowley, and Curtiss:

Thank you for your August 26, 2015, letter regarding the proposed Smurfit-Stone Mill Superfund Site (Site). The EPA shares your goals of addressing the public health and ecological risks at the Site, holding the responsible parties liable, redeveloping the Site, and maintaining public involvement throughout the cleanup.

Your letter expressed concerns regarding the progress of negotiations between the EPA and the potentially responsible parties to begin the remedial investigation. The EPA, M2Green, International Paper, and Rock Tenn have been engaged in good-faith negotiations for the past several months. I am

CONCUR	Name	Rob Parker	Amelia Piggott	Andrea Madigan	Sharon Abendschan	Kelcey Land	Johanna Miller
	Initial	RP	AP	AM	SA	KL	
	Office code	EPR-AR	ENF-L	ENF-L	ENF-RC	ENF-RC	EPR-AR
	Date	10/30/15	10.30.15	11/10/15	11/10/15	11/10/15	11/12/15
	Name	Bill Murray	Sandy Stavnes	Martin Hestmark	Betsy Varcoe	Shaun McGrath	h. Kestelapper
	Initial	BM	AS	MH			VLK
	Office code	EPR-SR	EPR-IO	EPR-IO	RA	RA	
	Date	11/12/15	11/12/15	11/12/15			

pleased to report that the parties have reached an agreement and anticipate the field investigation will begin this month.

The EPA appreciates the County Commissioners' continued interest in EPA activities at the Site. Should members of your staff have technical questions, Remedial Project Manager Sara Sparks is available at (406) 782-7415. Legal questions can be directed to Amelia Piggott, Enforcement Attorney, at (303) 312-6410.

Sincerely,

Shaun L. McGrath
Regional Administrator

cc: Senator Jon Tester
Senator Steve Daines
Congressman Ryan Zinke
Vernon Finley, Chairman, Confederated Salish and Kootenai Tribes
Tom Livers, Montana DEQ



BCC 2015-117
August 26, 2015

PHONE: (406) 258-4877
-FAX: (406) 721-4043
FAX: (406) 258-3943

Shaun McGrath
Regional Administrator
U.S. Environmental Protection Agency
Region 8 1595 Wyncoop Street
Denver, CO 80202-8917

Dear Mr. McGrath:

Thank you for coming to Missoula in May to update us on the former Smurfit-Stone mill. We were very pleased to hear that the EPA was close to finalizing an agreement with the current and former operators of the mill site to begin the remedial investigation this year. We understand that EPA has continued to work with the parties to finalize an agreement and workplan for the investigation. But it has been nearly a year since EPA first asked the parties to proceed voluntarily with the investigation and cleanup. Negotiations have not been completed, and it appears that yet another year will pass without progress. We are very concerned that further delays in this process will endanger public health and the environment, and delay future beneficial use of the property. For these reasons, if negotiations are not successfully completed by mid-September, we request that EPA proceed with the investigation of the site using federal funds. We also request that EPA finalize listing the site on the National Priorities List.

The Smurfit-Stone mill closed in January, 2010. Missoula County requested that the State of Montana and the EPA investigate environmental contamination at the mill site in 2011. The mill sold to its current owners in 2011, who have since demolished the facility, are now delinquent on property taxes in excess of \$750,000 and have failed to initiate site cleanup. These same owners have failed to pay their taxes and cleanup at other former Smurfit-Stone sites in the U.S. and Canada. EPA conducted its preliminary investigations of the site in 2012, and proposed placing the site on the National Priorities List in 2013. Missoula County supported this action. EPA sent special notice letters to parties who were current or past owners and operators of the mill in 2014, requesting a good faith offer to conduct investigations and cleanup. Negotiations began in October, 2014. EPA announced in May that negotiations were nearly complete, and that the investigation would begin this year without further delay. Unfortunately, the negotiations have not been concluded at this time, and the investigation has not begun.

Missoula County's Goals for the former Smurfit-Stone mill site continue to be:

- ▶ Eliminate all public safety and health risks;
- ▶ Restore the river and the floodplain;
- ▶ Hold the polluter responsible for the financial and environmental liabilities at the site so the burden is not shifted to the tax payers and residents of the area;
- ▶ Incentivize concurrent development of the site and continue economic development efforts; and
- ▶ Provide public involvement throughout the process of investigation and cleanup.

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The presence of toxic and hazardous materials in the floodplain and shallow groundwater areas near the Clark Fork River pose a substantial threat to public health and safety and environmental quality. These materials include industrial wastes, sludge, fly ash, boiler dregs, asbestos, and drums buried in shallow groundwater in a large area near the river. These wastes are protected from floods by uncertified and unmaintained gravel dikes that constrict the floodplain of the Clark Fork River. The dikes were first constructed in 1958, and occupy former active channels of the river. Groundwater is highly polluted, and contaminants have been found in fish in the Clark Fork River. These problems require immediate attention and remediation before a large flood washes these waste materials downstream into the river affecting downstream communities and causing further damage to natural resources of the Clark Fork River.

We seek a thorough investigation of the site's contamination, permanent and effective cleanup of the site, and restoration of the damaged natural resources of the Clark Fork River. It has been five and a half years since the mill closed. The process of investigation, cleanup and restoration should begin as soon as possible. Further delays will endanger public health and the environment and cause further damage to many communities in western Montana and northern Idaho. If EPA cannot obtain agreement with the responsible parties by mid-September, we request that the EPA move forward with cleanup efforts utilizing federal dollars. We request that EPA proceed with final listing of the site on the National Priorities List. Missoula County also requests that it and the public be provided ample opportunity to comment on the remedial investigation work plan before it is finalized, whether part of the Administrative Order of Consent or an EPA work plan.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY, MONTANA



Bill Carey, Chair



Nicole Rowley, Commissioner



Jean Curtiss, Commissioner

BCC/ppr

cc: Senator Jon Tester
Senator Steve Daines
Congressman Ryan Zinke
Governor Steve Bullock
Vernon Finley, Chairman, Confederated Salish and Kootenai Tribes
Tom Livers, Montana DEQ Director
Rock Tenn Company
Mountain Rail Link
BNSF Railway Company
M2Green Redevelopment Company
International Paper



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REGION 8**

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Mr. Bill Carey, Chair
Ms. Nicole Rowley, Commissioner
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Board of Missoula County Commissioners
200 West Broadway
Missoula, Montana 59802-4292

Dear Commissioners Carey, Rowley, and Curtiss:

Thank you for your August 26, 2015, letter regarding the proposed Smurfit-Stone Mill Superfund Site (Site). The EPA shares your goals of addressing the public health and ecological risks at the Site, holding the responsible parties liable, redeveloping the Site, and maintaining public involvement throughout the cleanup.

Your letter expressed concerns regarding the progress of negotiations between the EPA and the potentially responsible parties to begin the remedial investigation. The EPA, M2Green, International Paper, and Rock Tenn have been engaged in good-faith negotiations for the past several months. The parties are close to agreement on an administrative order on consent for a Sitewide remedial investigation. On September 16, the parties met to discuss the technical aspects of conducting the remedial investigation. The parties expect to finalize the investigation plans and begin the field investigation this year. The EPA is prepared to conduct the remedial investigation and will consider options and timing related to finalizing listing of the Site on the NPL.

The EPA appreciates the County Commissioners' continued interest in EPA activities at the Site. Should members of your staff have technical questions, Remedial Project Manager Sara Sparks is available at (406) 782-7415. Legal questions can be directed to Amelia Piggott, Enforcement Attorney, at (303) 312-6410.

Sincerely,

Shaun L. McGrath
Regional Administrator

cc: Senator Jon Tester
Senator Steve Daines
Congressman Ryan Zinke
Vernon Finley, Chairman, Confederated Salish and Kootenai Tribes
Tom Livers, Montana DEQ

ORIGINAL LETTER (NOT SENT YET)